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GROUP 1600

Patent

Attorney's Docket No. 007198-353

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Kwok On LAI *et al.*) Group Art Unit: 1647
)
Application No.: 09/157,984) Examiner: Robert C. Hayes, Ph.D.
)
Filed: September 22, 1998) ATTN: Examiner Gary Kunz
) VIA FACSIMILE: (703) 746-5113
For: CLONING OF A NOVEL)
NEUROTROPHIN NT-7 FROM)
CARP)

OFFICIAL

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Office communication dated January 2, 2002, enclosed please find:

- [X] Request for Withdrawal of Holding of Abandonment - No Abandonment in Fact.
- [X] September 25, 2001 Office Action (Paper No. 19).
- [X] October 24, 2001 Reply.
- [X] Post card receipt date stamped by the Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this paper is enclosed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHEIS, L.L.P.

By: 

Mercedes K. Meyer
Registration No. 44,939

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: February 6, 2002

Received from < 7038362021 > at 2/6/02 5:27:22 PM [Eastern Standard Time]

Application No. 09/157,984
Attorney's Docket No. 007198-353
Page 2

I hereby certify that this correspondence is
being sent by Facsimile Transmission to
Assistant Commissioner of Patents and Trademarks,
Washington, D.C. 20231 on

Date: February 6, 2002

Name: Elizabeth K. Stenson

(Typed or printed name of person signing the certificate)

Sign: Elizabeth K. Stenson
(Signature of person signing the certificate)

Date: February 6, 2002

FIRST CLASS MAIL**Sequence Listing**

Inv: Kwok On LAI *et al.*
Title: "Cloning of a Novel Neurotrophin NT-7 from Carp"
Date Recorded: 10/21/01; PatentIn 3.0
Ref. No.: 007198-353
SN: 09/157,984: Filed 09/22/98

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BURNS DOANEBURNS DOANE SWECKER & MATHIS LLP
ATTORNEYS AT LAWALEXANDRIA, VIRGINIA
REDWOOD SHORES, CALIFORNIA
DURHAM, NORTH CAROLINA**FAX RECEIVED**

FEB 11 2002

GROUP 1600**REPLY To:**
P.O. Box 1404
Alexandria, Virginia 22313-1404**TELEPHONE:** +1.703.836.6620**FACSIMILE:** +1.703.836.2021 (Group 3)
+1.703.836.0028 (Group 4)

OFFICIAL

DATE: February 6, 2002

RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner Gary Kunz Voice Tel. No.: Fax Tel. No.: 703 746-5113 Your Ref.: 09/157,984	From: Mercedes K. Meyer, Ph.D., Esq. Voice Tel. No.: 703 838-6561 Sent By: Elizabeth K. Stenson Our Ref.: 007198-353 Total Pages (Incl. Cover Page): 31

RE: U.S. Patent Application Serial No. 09/157,984**MESSAGE:**

Dear Examiner Kunz,

Attached please find a Request for Withdrawal of Holding of Abandonment - No Abandonment in Fact. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


Mercedes K. Meyer, Ph.D., Esq.

MXM/eks

NOTE: The information contained in this facsimile message is attorney-client privileged and contains confidential information intended only for the use of the person(s) named above and others expressly authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is prohibited and you are asked to notify us immediately by telephone and to return this message to us by mail without copying it.

Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

(BDSM 05/01)

Received from <7038362021> at 2/6/02 5:27:22 PM [Eastern Standard Time]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kwok On LAI *et al.*

Application No.: 09/157,984

Filed: September 22, 1998

For: CLONING OF A NOVEL
NEUROTROPHIN NT-7 FROM
CARP

) **BOX: SEQUENCE**
)
) **Group Art Unit: 1647**
)
) **Examiner: Robert C. Hayes, Ph.D.**
)
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)
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)
)

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Office communication dated September 25, 2001, enclosed

please find:

- [X] A copy of the substitute "Sequence Listing" in computer readable form in compliance with 37 C.F.R. §§1.823(b) and 1.824.
- [X] A statement that the content of the paper and computer readable copies are the same as set forth in 37 C.F.R. §1.821(f).
- [X] Amendment and Reply regarding the substitute Sequence Listing.

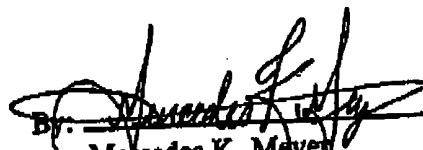
10-24-01/crs

Page 2

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this paper is enclosed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Mercedes K. Meyer
Registration No. 44,939

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: October 24, 2001

Patent
Attorney's Docket No. 007198-353

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
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Kwok On LAI *et al.*) Group Art Unit: 1647
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Application No.: 09/157,984) Examiner: Robert C. Hayes, Ph.D.
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Filed: September 22, 1998) ATTN: Examiner Gary Kunz
) VIA FACSIMILE: (703) 746-5113
For: CLONING OF A NOVEL)
)
NEUROTROPHIN NT-7 FROM)
)
CARP)

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**REQUEST FOR WITHDRAWAL OF HOLDING OF
ABANDONMENT - NO ABANDONMENT IN FACT**

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In accordance with M.P.E.P. § 711.03 and pursuant to 37 C.F.R. § 1.181(a), withdrawal of the holding of abandonment in the above-captioned application is respectfully requested, there being no abandonment in fact. Specifically, the Notice of Abandonment issued on January 2, 2002 (Paper No. 19) states that the application is held abandoned for failure to respond to the Patent and Trademark Office communication dated September 24, 2001 and June 14, 2001. However, a reply to that communication was timely filed on October 24, 2001. A copy of that reply (i.e., October 24, 2001) and the September 25, 2001 Office Action (Paper No. 19) are enclosed, as is a copy of a post card receipt date-stamped by the Patent and Trademark Office to acknowledge receipt of said reply on said date. This date-stamped post card receipt, which itemizes and properly identifies the papers filed, is *prima facie* evidence of receipt in the Patent and Trademark Office of all the items listed thereon on the date stamped thereon by the Patent and Trademark Office. See, M.P.E.P. § 503.

(10/01)

Request for Withdrawal of Abandonment
Application No. 09/157,984
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Page 2

Additionally, as requested by Examiner Kunz during a telephone conversation held February 5, 2002 and via prior telephonic communications with Examiner Kunz and Examiner Low, Applicants submit this timely Request (i.e. submitted within two months of date of the Notice of Abandonment) to withdraw the holding of abandonment. As discussed, Applicants assert that the time period continues to toll from the mailing date of the last official paper, dated September 25, 2001 (Paper No. 17). This paper notifies Applicants that the clock is started from the September 25, 2001 mailing date. Specifically the paper states::

Since the response appears to be **bona fide**, . . .
applicant is given **ONE (1) MONTH or THIRTY (30) DAY**
from the mailing date of this notice, whichever is longer,
within which to supply the omission or correction in order to
avoid abandonment under 37 CFR 1.821(g). **EXTENSIONS**
OF THIS TIME PERIOD MAY BE GRANTED UNDER 37
CFR 1.136(a).

Accordingly, Applicants assert that this notice unequivocally starts the clock on the September 25, 2001 mailing date, not the date of a prior Official Action. Absent any further notifications from the Office to the contrary, Applicants assert that the time period for response to the September 25, 2001 paper continues to toll until **March 25, 2002**. Applicants further provide that no further paper from the Office regarding the instant application was received other than the Notice of Abandonment dated January 2, 2002.

The undersigned also notes that prior to submission of the October 24, 2001 response, she attempted to contact Examiner Hayes to ensure that the response provided addressed the issues he raised in his September 25, 2001 paper. Unfortunately, Examiner Hayes was away on vacation. The undersigned then contacted and discussed the September 25, 2001 Official Action with Examiner Kunz, who clarified certain items in the Action to Applicants. In light of these remarks, Applicants prepared and submitted a response to the Office on October 24, 2001.

(10/01)

Request for Withdrawal of Abandonment
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Attorney's Docket No. 007198-353
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Applicants thank Examiners Christopher Low, Gary Kunz and Robert Hayes for their willingness to discuss the application and their helpfulness in resolving and expediting the processing of this Request.

In light of at least the above, withdrawal of the holding of abandonment and prompt favorable action on the merits are respectfully requested.

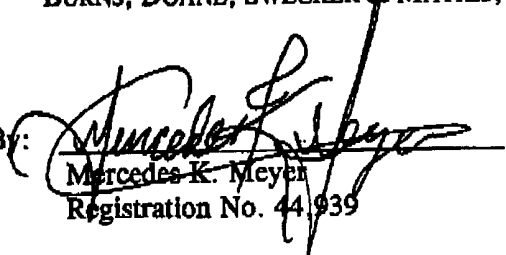
It is believed that no fee is required for consideration of this paper. Should the Office deem otherwise, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. § 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 6, 2002

By:


Mercedes K. Meyer
Registration No. 44,939

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

(10/01)

Request for Withdrawal of Abandonment
Application No. 09/157,984
Attorney's Docket No. 007198-353
Page 4

I hereby certify that this correspondence is
being sent by Facsimile Transmission to
Assistant Commissioner of Patents and Trademarks,
Washington, D.C. 20231 on

Date: February 6, 2002

Name: Elizabeth K. Stenson
(Typed or printed name of person signing the certificate)

Sign: Elizabeth K. Stenson
(Signature of person signing the certificate)

Date: February 6, 2002

(10/01)


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/157,984 09/22/98 LAI

K 007192-353

EXAMINER

 021809 HM12/0925
 BURNS DOANE SWECKER & MATHIS L L P
 POST OFFICE BOX 1404
 ALEXANDRIA VA 22315-1404

HAYES, R

ART UNIT

PAPER NUMBER

1647

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

URGENT
Deacons
007192-353
JAL/mxm

BURNS, DOANE, SWECKER & MATHIS, L.L.P. RECEIVED SEP 26 2001 9-26-01-24 DOCKETED
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Sequence Listing Due
10/25/01

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/167,984			

EXAMINER	
ART UNIT	PAPER NUMBER
	17

DATE MAILED:

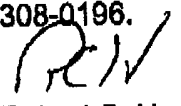
Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

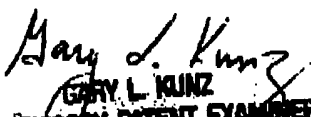
The communication filed on 07/13/01 is not fully responsive to the communication mailed 06/14/01 because 37 CFR 1.821 (a)(2)(c-d) states that each sequence disclosed must appear separately in the "Sequence listing" *and in the text of the description and claims (i.e., where first mentioned in the specification)*. See MPEP 2431. In other words, what SEQ ID NO:13 represents is not stated within the specification, as required. In addition, note again that use of brackets (i.e., "[SEQ ID NO:1]") in amendment B (paper #13; filed 4/6/01) denotes to the printers that text is deleted, as provided in 37 CFR 1.121(a)(2)(ii) which, therefore, should also be corrected. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment under 37 CFR 1.821(g). **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to Examiner Robert C. Hayes, Art Unit 1647, whose telephone number is 703-305-3132

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.


Robert C. Hayes, Ph.D.
September 24, 2001


GARY L. KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1000

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities – 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

06/01/01

Inventor: Kwok On Lai et al.Appln. No.: 09/157,984Filing Date: September 22, 1998Docket No.: 007198-353Work Atty.: JAL/MXM:eksDate: October 24, 2001

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The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Amendment and Reply
<input type="checkbox"/> Preliminary Amendment
<input checked="" type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Petition for _ Month Extension of Time
<input type="checkbox"/> Submission of Formal Drawings w/_ sheet(s) of drawings (Fig(s), 1-_)
<input type="checkbox"/> Request for Approval of Drawing Changes w/_ sheet(s) of red ink drawings
<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Brief for Appellant
<input type="checkbox"/> Request for Oral Hearing
<input type="checkbox"/> Reply Brief
<input type="checkbox"/> Response to Restriction Requirement or Election of Species | <input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Certificate Under 37 C.F.R. § 3.73(b)
<input type="checkbox"/> Transmittal Letter for Missing Parts of Application
<input type="checkbox"/> Executed Declaration/Power of Attorney
<input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
<input type="checkbox"/> Claim for Convention Priority w/_ certified copy(s)
<input type="checkbox"/> Information Disclosure Statement w/_ document(s)
<input type="checkbox"/> Information Disclosure Citation (PTO-1449)
<input type="checkbox"/> Information Disclosure Statement Transmittal Letter
<input type="checkbox"/> Request for Corrected Notice of Recordation or Assignment w/copy of Notice
<input type="checkbox"/> Request for Continued Examination | <input type="checkbox"/> Check for \$__ is enclosed
<input type="checkbox"/> Check for \$__ is enclosed
<input type="checkbox"/> Charge \$__ to Deposit Account
<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> A paper copy of the Sequence Listing along with a copy of the Sequence Listing in computer readable form (Diskette) in compliance with 37 C.F.R. §§ 1.823(b) and 1.824
Declaration Pursuant to 37 C.F.R. §§ 1.821-1.825 |
|---|--|--|



(10/00)

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